

June 8, 1982

Mr. Andrew W. Oser
Wink Engineering
7520 Hayne Blvd.
New Orleans, LA 70126-1999

Dear Mr. Oser:

This is in reply to your letter dated May 29, 1982, in which you asked whether a certain Tenneco pipeline is subject to Part 195 safety standards.

The Tenneco pipeline is not currently subject to Part 195. The rationale for this determination is given in the enclosed Pipeline Safety Regulatory Interpretation.

That is not to say, however, that the pipeline you described will not be subject to Part 195 in the future. We have the authority to regulate the safety of interstate pipelines (i.e., those subject to FERC jurisdiction or located on the outer continental shelf) and intrastate pipelines (all others not falling within the interstate category such as the one you described) as well. While we have not yet made intrastate pipelines subject to Part 195, they may be made subject to these safety standards in the future.

Sincerely,

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

Enclosure

dal\195\1\82-06-08

No. 82-5
Date: June 8, 1982

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
MATERIALS TRANSPORTATION BUREAU

PIPELINE SAFETY REGULATORY INTERPRETATION

Note: A pipeline safety regulatory interpretation applies a particular rule to a particular set of facts and circumstances, and, as such, may be relied upon only by those persons to whom the interpretation is specifically addressed.

SECTION: 195.1

SUBJECT: Determination of whether a certain pipeline is subject to Part 195.

FACTS: A pipeline transports refined petroleum products from a refinery, across a Louisiana state road, to storage tanks. The pipeline is not subject to Federal Energy Regulatory Commission (FERC) jurisdiction. No part of the pipeline is located on the outer continental shelf.

QUESTION: Is the pipeline subject to Part 195?

INTERPRE: Section 195.1 states that Part 195 applies to those pipelines which are (1) subject to the FERC jurisdiction or (2) located on the outer continental shelf. Because the subject pipeline is in neither of these categories, it is not subject to Part 195.

Melvin A. Judah
Acting Associate Director for
Pipeline Safety Regulation
Materials Transportation Bureau

May 29, 1982

MR. FRANK ROBINSON
DEPARTMENT OF TRANSPORTATION
OFFICE OF PIPELINE SAFETY REGULATIONS
ROOM 8423 NASSIF BUILDING
400 SEVENTH STREET, S.E.
WASHINGTON, D.C. 20590

LETTER NO: WX-11
RE: APPLICABILITY OF
49CFR PART 195 TO
TENNECO OIL COMPANY
INTERCOMPANY PIPELINE
JOB: 117-102281
CONTRACT NO: 655106-9-005K

DEAR MR. ROBINSON:

ATTACHED IS A DRAWING SHOWING A PROPOSED INTERCOMPANY PIPELINE FOR TENNECO OIL COMPANY BETWEEN NEW STORAGE TANKS (EAST TANK FARM) AND THEIR EXISTING REFINERY.

PRIMARILY BECAUSE THE CROSSING OF LOUISIANA STATE HIGHWAY IS INVOLVED, A CONCERN AROSE OVER THE POSSIBLE APPLICABILITY OF 49 CFR PART 195, "TRANSPORTATION OF LIQUIDS BY PIPELINE" TO THIS PIPELINE.

PARAGRAPH 195.1 OF THIS CFR STATES THAT THE REGULATION APPLIES ONLY TO THOSE PIPELINES WHICH ARE SUBJECT TO THE JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OR THOSE WHICH ARE ON THE OUTER CONTINENTAL SHELF.

SINCE NEITHER OF THESE APPLY TO THE CASE IN QUESTION, IT IS OUR INTERPRETATION THAT THIS PIPELINE IS NOT SUBJECT TO THE SPECIFIC REQUIREMENTS OF 49 CFR PART 195.

WE WOULD APPRECIATE IT IF YOU WOULD REVIEW THIS INFORMATION AND LET US KNOW BY RETURN MAIL AS TO WHETHER OR NOT YOU CONCUR IN THIS INTERPRETATION.

WE WOULD ALSO APPRECIATE ANY COMMENTS YOU MAY WISH TO MAKE CONCERNING THE SAFETY ASPECTS OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THIS PIPELINE.

VERY TRULY YOURS,

dal\195\1\82-06-08

ANDREW W. OSER,
ADMINISTRATIVE MANAGER